


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
RT
SEE
US DEC 15 PM 3:47

BETTY JONES,

Plaintiff,

v.

MEDEGEN MEDICAL PRODUCTS, LLC,

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF MO. - ST. LOUIS

No. 04-3052 M1/P

ORDER DENYING DEFENDANT'S MOTION
TO DISMISS WITH PREJUDICE AND FOR SANCTIONS
AND
ORDER REFERRING DEFENDANT'S MOTION TO
COMPEL PRODUCTION OF DOCUMENTS AND FOR SANCTIONS

Before the Court is Defendant's Motion to Dismiss with Prejudice and for Sanctions, or, in the Alternative, to Compel Production of Documents and for Sanctions, filed September 2, 2005. Plaintiff responded in opposition on October 12, 2005. Defendant requests that this Court dismiss Plaintiff's claims with prejudice pursuant to Federal Rules of Civil Procedure 41 and 37 for failure to comply with this Court's orders and the Federal Rules of Civil Procedure with respect to discovery matters. Defendant also moves this Court for an order compelling Plaintiff to provide Defendant certain documents, pay attorney's fees and pay a previously imposed sanction.

The Court has reviewed the parties' submissions, as well as the record in this case, and finds that it is inappropriate to dismiss Plaintiff's action under Rules 37 or 41. Defendant's motion to dismiss with prejudice is DENIED. Defendant's motion

to Compel Production of Documents and for Sanctions is referred to the United States Magistrate Judge for determination. Any exceptions to the magistrate judge's order shall be made within ten (10) days of the magistrate judge's order, setting forth particularly those portions of the order excepted to and the reasons for the exceptions.

So ORDERED this 15 day of December, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-03052 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT